

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<hr/> OPERA SOLUTIONS LLC, OPSAL GLOBAL LTD., and OPERA SOLUTIONS SHANGHAI LTD.,	x
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	:
Plaintiffs,	:
	:
- against -	:
	:
XIAODONG YAN, XDYAN, LLC, DIA ASSOCIATES, LLC, IVO NIKOLOV and ANDREY S. KULJIEV,	:
	:
Defendants.	:
	:

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x

PLEASE TAKE NOTICE that upon the annexed affirmation of Marjorie E. Berman, affirmed on May 8, 2008, and upon the exhibits attached thereto, the Affidavit of Andrey S. Kuljiev, sworn to May 8, 2008, the Accompanying Memorandum of Law in support of this motion, and the pleadings herein, defendants will move this Court, before the Honorable Harold Baer, Jr., for an order pursuant to F.R.C.P. 12(b)(1) dismissing the Complaint, for lack of subject matter jurisdiction.

Dated:           New York, New York  
 May 8, 2008

**KRANTZ & BERMAN LLP**

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(By ECF)